



The Commonwealth of Massachusetts

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Fact Sheet

“An Act to Reduce Firearm Violence”

Filed by the Patrick/Murray Administration, 5/6/2009

Need for Reform

- Massachusetts has some of the strictest gun laws in the United States, but too many criminals and young people are still able to get guns illegally.
- Gun violence plagues citizens in many of the Commonwealth's neighborhoods, claiming lives and causing immeasurable pain to the families of victims.
- Illegal firearms flow into the Commonwealth and end up in the hands of felons and young people.
- Gangs threaten the safety and security of many neighborhoods and create a climate of fear that jeopardizes efforts by police, prosecutors, and social service providers to keep our citizens safe.
- 60% of the guns that turn up in crime in Boston are trafficked into the city from states with weaker gun laws.
- Handguns start out as a legal product, but thousands move from the legal to the illegal market every year where they become available to criminals and youth. (ATF Crime Gun Trace Data, 2000)
- 5 out of 6 guns recovered in crime were obtained by the perpetrator illegally. (Braga & Pierce, Disrupting the Illegal Firearms Market, 2005)
- In Massachusetts, 36% of the guns used in crime originate within the state. (ATF, 2006)
- Nearly 60% of guns recovered in crime are traced to 1% of federally licensed gun dealers. (ATF, 2000)

Proposed Solutions

- Limiting gun purchases to one gun per month.
- Creation of a new crime (10-year felony) for possessing a gun while committing a misdemeanor that involves the use of force.
- Gun crimes will be subject to pretrial detention (“dangerousness hearings”); presumption of dangerousness for violent felonies involving the use of a gun.
- Change definition of “firearm” to parallel federal law, relieving Commonwealth from proving that gun is operable, which requires expert testimony if Supreme Court reverses Melendez-Diaz.

Secondary gun sales

- Requires individuals who resell their guns to conduct the transaction at a licensed dealer so that the transaction can be entered into the electronic firearms database for better tracking of secondary sales.

Machine gun reforms

- Clarifies laws to prohibit anyone other than a person with a machine gun license or a police officer receiving training from handling a machine gun.

Note: The Secretary of Public Safety and Security will also promulgate new regulations to prohibit use of machine guns at gun shows or exhibitions and to narrow definition of “bona fide collector.”

Brady Bill changes

- Requires transmission of court records of involuntary commitments to state central criminal record repository for inclusion in the National Instant Criminal Background Check System (NICS), and otherwise amends state law to comply with federal NICS Improvement Amendments Act of 2007.

Benefits of Legislation

- It shrinks the supply of illegal guns by limiting gun buyers to one firearm purchase per month. This legislation is designed to reduce gun trafficking by “straw purchasers” who purchase firearms for convicted felons or other prohibited buyers. Passing this legislation would make Massachusetts only the fourth state in the nation to adopt a one-gun-per-month law.
- The bill also requires private sales of firearms to be recorded at a dealer location, so that the record of the sale will be included into the Massachusetts Instant Record Checking System (or MIRCS).
- The Governor's legislation addresses a decision issued by the Supreme Judicial Court on May 4. The SJC held that so-called 58A dangerousness hearings, the court procedure that allows prosecutors to ask judges to hold dangerous criminal defendants without bail, does not apply to charges of illegal possession of a firearm. Governor Patrick's bill makes this procedure available to prosecutors for any charge that involves illegal possession, use, or trafficking in guns.
- In the wake of the senseless death of a young boy that occurred at the machine gun shoot in Westfield in 2008, this bill clarifies the law to strictly prohibit the handling of a machine gun by anyone other than a licensed machine gun operator. The Secretary of Public Safety and Security will also file regulations in conjunction with this legislation to regulate any gun shows that are open to the general public in order to ensure that appropriate safety procedures are undertaken.

- Finally, this legislation brings Massachusetts into compliance with the NICS Improvement Amendments Act of 2007, a federal law passed in the aftermath of the Virginia Tech shooting tragedy. It will require that the courts transmit all required mental health adjudications and orders to the state's criminal justice information system to be provided to the Attorney General of the United States for the purpose of firearms licensing only.
- Passage of this piece is critical, as noncompliance with the law will subject the Commonwealth to a loss of valuable federal grant funding.